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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,170	03/29/2001	Dan Martin Scott	108344.00016	4015
22852	7590	10/07/2005	EXAMINER	
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			NGUYEN, KIMBINH T	
		ART UNIT	PAPER NUMBER	
		2671		

DATE MAILED: 10/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/821,170	SCOTT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kimbinh T. Nguyen	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 16 June 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 17-20 and 23 is/are rejected.
- 7) Claim(s) 21 and 22 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

1. This action is responsive to amendment filed 06/18/05.
2. Claims 17-23 are pending in the application.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 17, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over R2V in view of Dawson et al. (4,876,651).

**Claim 17,** R2V discloses an apparatus that is capable of georeferencing a raster map (R2V page 2), comprising: means for providing for display of a first map in a first area of a display (R2V page 2); means for providing for display of a second map in a second area of the display that is separate from the first area of the display (R2V page 2), the first map being a digital raster map (R2V page 2), and the second map being a previously georeferenced map (RZV page 2), the first and second maps covering substantially the same geographic area when that are displayed (R2V page 2 and 3 and fig on page 3); means for marking a first point pair (move the mouse within the source and target image to find such a point; R2V page 2, section "B") on the display (the new image will be displayed in the source image window), one point being on each map (R2V page 2); means for marking a second point pair (move the mouse within the source and target image to find such a point; R2V page 2) on the display (the new

image will be displayed in the source image window); one point being on each map (R2V page 2), the corresponding points of the point pairs having the same geographic location on each map (R2V pages 2 and 3); means for assigning to the points on the first map a longitude coordinate and a latitude coordinate which are identical to the longitude coordinate and latitude coordinate of their corresponding points on the second map (R2V page 1); and means for computing a georeferencing function based on pixel coordinates of the first point of each point pair and geographic coordinates of the second point of each point pair (R2V page 2).

**Claim 18**, R2V discloses wherein the points of the point pairs comprise marks on the first map at respective locations and marks on the second map at corresponding locations (R2V page 2).

**Claim 23**, R2V discloses a system for georeferencing a digital raster map (R2V page 2), comprising: a processing platform for executing code capable of georeferencing a digital raster map (R2V pages 1 and 2); and a storage platform comprising facilities for providing for display of a first map in a first area of a display (R2V page 2 and page 3); facilities for providing for display of a second map in a second area of the display that is separate from the first area of the display (R2V, pages 2 and 3), the first map being a digital raster map (R2V, pages 1 and 2), and the second map being a previously georeferenced map (R2V, pages 1 and 2), the first and second maps covering substantially the same geographic area when they are displayed (R2V, pages 2 and 3, fig); facilities for marking a first point pair on the display (move the mouse within the source and target image to find such a point; R2V page 2; (the new

image will be displayed in the source image window)), one point being on each map (R2V, page 2); facilities for marking a second point pair on the display (move the mouse within the source and target image to find such a point; R2V page 2), one point being on each map (R2V page 2; the new image will be displayed in the source image window)), one point being on each map (R2V, page)), the corresponding points of the point pairs having the same geographic location on each map (R2V, page 2); facilities for assigning to the points on the first map a longitude coordinate and a latitude coordinate which is identical to the longitude coordinate and latitude coordinate of their corresponding points on the second map (R2V pages 1 and 2); and facilities for computing a georeferencing function based on pixel coordinates of the first point of each point pair and geographic coordinates of the second point of each point pair (R2V pages 1 and 2). However, R2V does not disclose a storage platform coupled to the processing platform for storing at least a digital raster map. This is disclosed in Dawson et al in the abstract and fig 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the memory coupled to the processor because this would avoid the delay of accessing the mass memory (abstract).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over R2V as applied to claim 17 above, and further in view of "Accuracy Assessment of Mapping Products Produced from the Star-3i".

**Claim 19,** R2V discloses wherein more than two point pairs are identified and are used to compute the georeferencing function pursuant to a transformation technique (R2V page 2). However, R2V does not disclose further means for executing a validation

check of the georeferencing function pursuant to a standard deviation technique. This is disclosed Accuracy of Mapping Product: in section 4.2 study design. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the standard deviation technique to as a validation check with the system of R2V because using this standard deviation was a well known and efficient way of computing deviation errors.

6. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over R2V in view of Accuracy Assessment of Mapping Products as applied to claim 19 above, and further in view of Blackmer (6,505,146).

**Claim 20**, R2V does not disclose wherein the means for executing a validation check is further capable of rejecting a point pair when the point pair deviates by an amount exceeding a predetermined standard error. This is disclosed in Blackmer in column 8 lines 27-55. It would have been obvious to one of ordinary skill in the art at the time the invention was made to reject data based on deviation from a standard error because this provided a useful way to spot outlier points.

***Allowable Subject Matter***

7. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 06/16/05 have been fully considered but they are not persuasive, because image warping and geo-referencing techniques would include marking control points as shown in R2V.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

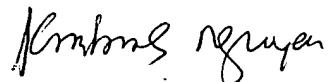
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimbinh T. Nguyen whose telephone number is (571) 272-7644. The examiner can normally be reached on Monday to Thursday from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Friday from 7:00 AM to 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ulka Chauhan can be reached at (571) 272-7782. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2671

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 3, 2005



KIMBINH T. NGUYEN  
PRIMARY EXAMINER